IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA,	0 N 0 40M 1040		
	Plaintiff,	Case Number 8:12MJ216		
	vs.)) DETENTION ORDER)		
AL	EJANDRO MONJE-GARCIA,			
	Defendant.			
A.	Order For Detention After the defendant waived a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).			
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 			
C.	Finding Of Fact The Court's findings are based on the evidence which was presented in court and that which was contained in the Pretrial Services Report, and includes the following: X (1) Nature and circumstances of the offense charged: X (a) The crime: Reentry of a removed alien after felony conviction is a serious crime and carries a maximum penalty of 10 years imprisonment. (b) The offense is a crime of violence. (c) The offense involves a narcotic drug. (d) The offense involves a large amount of controlled substances, to wit:			
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	X X X	The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings.
(b) At the time of the current arrest, the defendant was on:		
		Probation
		Parole
		Supervised Release
		Release pending trial, sentence, appeal or completion of
sentence.		
	` '	Factors:
	X	The defendant is an illegal alien and is subject to
		deportation.
		The defendant is a legal alien and will be subject to
	Χ	deportation if convicted. The Bureau of Immigration and Customs Enforcement
		(BICE) has placed a detainer with the U.S. Marshal.
		Other:
		Out 101.
X (4) The nature and seriousness of the danger posed by the defendant's		
release are as follows:		
Prior Removals 2009, 2011. Carrying concealed weapon - 2001.		
Felony Conviction - Possession of Controlled Substance (2009 - N.J.)		

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 25th day of July, 2012.

BY THE COURT:

s/ F. A. Gossett United States Magistrate Judge